

FORM PTO-1390  
(REV 11-99)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

P-3021.001 Luppi

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/600523

INTERNATIONAL APPLICATION NO  
PCT/EP/99/00370INTERNATIONAL FILING DATE  
22 01 99PRIORITY DATE CLAIMED  
23 01 98

TITLE OF INVENTION ADDITIVE PRE-MIX FOR FOOD PRODUCTS

APPLICANT(S) FOR DO/EO/US Luciano Rabboni

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Complimentary copy of International Patent Application and Preliminary Examination Report

APPLICATION NO (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO

ATTORNEY'S DOCKET NUMBER

09/600523

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17. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$1070.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$930.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$720.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$98.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$ 930.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

| CLAIMS             | NUMBER FILED | NUMBER EXTRA | RATE           | \$     |
|--------------------|--------------|--------------|----------------|--------|
| Total claims       | 19 - 20 =    |              | x \$22.00 x 18 | \$ -0- |
| Independent claims | 3 - 3 =      |              | x \$22.00 x 78 | \$ -0- |

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$270.00

\$ 270

TOTAL OF ABOVE CALCULATIONS =

\$ 1,200.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property +

\$

TOTAL FEES ENCLOSED =

\$ 1,200.00

Amount to be  
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 1,200.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

John C. Evans  
Reising, Ethington, Barnes, Kisselle,  
Learman & McCulloch, PC  
P.O. Box 4390  
Troy, MI 48099  
248-689-3500

SIGNATURE

John C. Evans

NAME

20,124

REGISTRATION NUMBER

09/600523  
533 Rec'd PCT/PTO 18 JUL 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application:  
Luciano Rabboni

Docket No.: P-3012.1 Luppi

Serial No.:

For: ADDITIVE PRE-MIX FOR FOOD PRODUCTS

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" Mailing Label No. EL610528178US Date of Deposit July 18, 2000 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, BOX PCT, Washington, D. C. 20231.

  
Patricia A. Priebe

PRELIMINARY AMENDMENT

Assistant Commissioner  
For Patents  
Washington, D.C. 20231

Dear Sir:

Please amend the application as follows:

IN THE CLAIMS:

By this amendment, Applicant is amending claims 4-13, 21, 22, and 27 as follows:

Claim 4, line 1, cancel "any preceding" and following "claim" insert -- 1, or 3, --

Claim 5, line 1, cancel "any preceding" and following "claim" insert -- 1, or 3, --

Claim 6 and 7, line 1, cancel --, or 5, --;

Claims 8-13, line 1, cancel "any preceding" and following "claim" insert -- 1-3, 6 or 7, --;

Claims 21 and 22, line 2, cancel "20" and insert --17--;

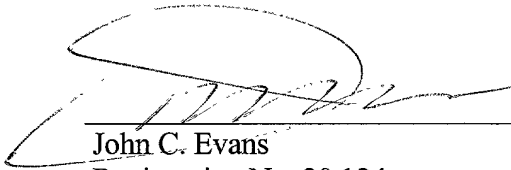
Claim 27, line 1, cancel "26" and insert --25 --.

09/600523-02500960

The Commissioner is authorized to charge any deficiency in the enclosed fee or credit any refund to our Deposit Account No. 50-0852.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE  
LEARMAN & McCULLOCH, PC

A handwritten signature in dark ink, appearing to read "John C. Evans", is written over a horizontal line.

John C. Evans  
Registration No. 20,124  
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Date: July 17, 2000

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533 Rec'd PCT/PTO 18 JUL 2000

ADDITIVE PRE-MIX FOR FOOD PRODUCTS

The invention concerns preparing flowable or semifluid food products, in particular fruit sauces, or creams to be used as decorations, or stuffings, for ice-creams, confectionery and catering.

The prior art comprises preparing fruit sauces in industrial premises and the subsequent packaging for the delivery of the product to a professional user, as a confectioner or an ice-cream manufacturer, a cook or a pizza-maker, who introduces it into a complete food product for eating.

Therefore, the professional user is, at present, obliged to supply himself with a considerable range of sauces having different tastes, if he wishes to supply his customers with an acceptable range of products, for example ice creams, or cakes, incorporating said sauces. This involves a considerable increase in costs and, moreover, makes it difficult to preserve the various types of sauces, once the respective package has been opened.

Alternatively, the professional user himself may, if necessary, prepare, in an extemporaneous manner, the sauces he needs, which involves a considerable waste of time. Furthermore it is difficult to obtain a creamy and compacted structure of the sauce and to preserve it after immediate use. In addition when fruit-salads are to be prepared, a drawback occurs consisting of a quick browning caused by perishability of the fruit, said browning causing, in addition, an alteration of the preparation taste.

An aim of the invention is to supply an user, in particular a professional user, with a compound which considerably facilitates the preparation of flowable or semifluid food products.

According to the invention, there is provided a pasty compound for foodt products containing at least one of the agents listed below:

- antioxidant agent;

- preservative agent;
- acidifying agent;
- stabilising and thickening agent.

All the agents mentioned above may be contained in the compound according to the invention, but the compound may contain just some of said agents, depending on the desired features of the compound.

The antioxidant agent is particularly advisable when the compound is to be used for fruit sauces, because the antioxidant agent inhibits the natural browning of the fruit. The antioxidant agent preferably comprises ascorbic acid, salts and derivatives thereof, gallates, butylated hydroxyanisole, butylated hydroxytoluene, tocopherols.

The preservative agent has an antimicrobial effect and is particularly advisable for fruit sauces too, because it protects the sauce from microbial attacks.

The preservative agent preferably comprises sorbic acid and its salts, propionic acid and its salts, benzoic acid and its salts, hydroxybenzoates.

The acidifying agent is used to reduce the pH of the sauce resulting from the use of the compound, so as to facilitate the action of the preserving agent. Moreover the acidifying agent is used to freshen up the colours of the fruit and the flavour thereof because it restores the natural acidity of the fruit which has been altered by addition of sugar.

The acidifying agent preferably comprises citric acid, tartaric acid, metatartaric acid, malic acid.

The stabilising and thickening agent gives the compound a certain viscosity, inhibiting its surface flowing in such a way that the sauce which incorporates the compound exhibits a good adherence to a solid support, like the pastry of a cake, or an ice cream.

The stabilising and thickening agent may comprise modified or natural starch, precooked, or non-precooked, gelatines, alginic acid and its salts, guar gum and other gums, agar-agar, carrageenin, meal of carob seeds, pectins, cellulose and

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its derivatives, xantan gum.

The stabilising and thickening agent may be activated at room temperature, or at warm conditions (about 75°C).

The compound resulting from using a thickening agent which may be activated at room temperature is preferably suitable for preparing sauces which have to be used at positive centigrade temperatures.

The compound resulting from using a thickening agent may be activated at warm condition is particularly suitable for preparing sauces which have to be used at negative centigrade temperatures, i.e. in particular to garnish ice cream, deep-frozen cakes, ice-cream cakes and confectionery products in general, both inside and in surface.

The compound preferably is in the form of powder, or creamy paste containing suitable proportions of various agents.

Examples of compounds according to the invention are illustrated here below. The composition of the compound, in each example, is detailed by means of the weight percentage of each ingredient per weight unit of the compound for food products (column A), or by means of the percentage of each component per weight unit of the product obtained using the compound (column B).

#### Example 1

Compound in powdery form suitable for being used at room temperature.

|   | A      | B       |
|---|--------|---------|
| - L-ascorbic acid<br>(antioxidant agent)  | 0 - 5  | 0 - 2   |
| - sorbic acid or its salts<br>(preservative agent)  | 0 - 3  | 0 - 1,2 |
| - citric acid<br>(acidifying agent)   | 0 - 10 | 0 - 4   |
| - modified, or natural, precooked<br>or non-precooked, starch which<br>may be activated at room<br>temperature (stabilising and |        |         |

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|                   |        |        |
|-------------------|--------|--------|
| thickening agent) | 0 - 80 | 0 - 32 |
| - sugar           | qs     |        |

## Example 2

Compound in powdery form suitable for being used at negative centigrade temperatures.

|  | A      | B       |
|--|--------|---------|
| - L-ascorbic acid<br>(antioxidant agent)   | 0 - 5  | 0 - 2   |
| - sorbic acid or its salts<br>(preservative agent)   | 0 - 3  | 0 - 1,2 |
| - citric acid<br>(acidifying agent)  | 0 - 10 | 0 - 4   |
| - modified, or natural, precooked<br>or non-precooked, starch which<br>may be activated at warm<br>conditions<br>(stabilising and thickening<br>agent) | 0 - 80 | 0 - 32  |
| - sugar  | qs     |         |

## Example 3

Compound in powdery form containing a stabilising and thickening agent which may be activated at room temperature.

|   | A      | B      |
|---|--------|--------|
| - L-ascorbic acid<br>(antioxidant agent)  | 0 - 10 | 0 - 4  |
| - sorbic acid or its salts<br>(preservative agent)  | 0 - 10 | 0 - 4  |
| - citric acid<br>(acidifying agent)   | 0 - 30 | 0 - 12 |
| - modified, or natural, precooked<br>or non-precooked, starch which<br>may be activated at room<br>temperature<br>(stabilising and thickening<br>agent) | 0 - 80 | 0 - 32 |
| - sugar   | qs     |        |

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## Example 4

Compound in powdery form containing a stabilising and thickening agent which may be activated at warm conditions

|  | A      | B      |
|--|--------|--------|
| - L-ascorbic acid<br>(antioxidant agent)   | 0 - 10 | 0 - 4  |
| - sorbic acid or its salts<br>(preservative agent)   | 0 - 10 | 0 - 4  |
| - citric acid<br>(acidifying agent)  | 0 - 30 | 0 - 12 |
| - modified, or natural, precooked<br>or non-precooked, starch which<br>may be activated at warm<br>conditions<br>(stabilising and thickening<br>agent) | 0 - 80 | 0 - 32 |
| - sugar or dehydrated glucose syrup  | qs     |        |

## Example 5

Compound in the form of a dense paste.

|  | A      | B      |
|--|--------|--------|
| - L-ascorbic acid<br>(antioxidant agent)   | 0 - 10 | 0 - 4  |
| - sorbic acid or its salts<br>(preservative agent)   | 0 - 10 | 0 - 4  |
| - citric acid<br>(acidifying agent)  | 0 - 30 | 0 - 12 |
| - modified, or natural, precooked<br>or non-precooked, starch<br>(stabilising and thickening<br>agent) | 0 - 80 | 0 - 32 |
| - sugar or fructose, water,<br>glucose syrup   | qs     |        |

The percentages of the ingredients indicated in column A are merely exemplificative, since also pastes having percentages not comprised within the ranges indicated may make possible to obtain a satisfactory product, if the ingredients are used in

suitable proportions with respect to the other ingredients of the product, in particular water, sugar and fruit. Therefore, in view of the results which can be obtained in connection with the food product, the percentage of the various ingredients shown in column B is more significant.

The wide range of values shown for the percentage of the starch depends on the features desired for the food product to be obtained. For example for fruit sauces to be used for garnishing ice creams, a certain degree of flowability of the product is required, which implies a relatively small quantity of starch, whereas for confectionery sauces, a greater thickness of the product may be required, so that it does not tend to flow, which implies a relatively high quantity of starch.

Particularly satisfactory results have been obtained using a modified starch.

A fruit sauce to be used at positive centigrade temperatures may be prepared by dry mixing a suitable quantity of compound of Example 1 with a suitable quantity of sugar, or fructose, adding water and subsequently adding fresh, or unfrozen, fruit, or fruit-juice.

Suggested doses for preparing a sauce containing 1 Kg of fruit:

- |                         |       |
|-------------------------|-------|
| - sugar                 | 375 g |
| - compound of Example 1 | 125 g |
| - water                 | 250 g |

To facilitate the dilution in water, it is preferred that the water is at a temperature greater than 50 °C.

Another fruit sauce to be used at positive centigrade temperatures and suitable for garnishing ice-creams may be prepared by dry mixing a suitable quantity of compound of Example 3 with a suitable quantity of sugar, or fructose, adding water and subsequently adding fresh, or unfrozen, fruit, or fruit-juice.

Suggested doses for preparing a fruit sauce for garnishing ice creams:

- sugar 150 g to 380 g
- compound of Example 3 60 g to 100 g
- water 100 g to 300 g
- fruit 400 g to 500 g

To facilitate the dilution in water, it is preferred that the water is at a temperature greater than 50 °C.

The sauce obtained reaches an optimal degree of brightness and creaminess after about 2 hours from preparation.

A further fruit sauce to be used at positive centigrade temperatures and suitable for garnishing ice-creams may be prepared by dry mixing a suitable quantity of compound of Example 5 with a suitable quantity of fresh, or unfrozen, fruit, or fruit-juice.

Suggested doses for preparing a fruit sauce for garnishing ice creams:

- compound of Example 5 400 g to 500 g
- fruit 400 g to 500 g

The ratio between the quantity of compound and the quantity of fruit may be advantageously about 1:1.

The sauce obtained reaches an optimal degree of brightness and creaminess after about 30 min from preparation.

A fruit sauce to be used at negative centigrade temperatures and containing fruit, possibly pieces of fruit, may be prepared by performing a preliminary process of partial candying of the fruit, dry mixing a suitable quantity of compound of Example 2 with a suitable quantity of sugar, or fructose, adding water to the mixture and finally adding the partially candied fruit previously obtained.

Suggested doses for preparing a sauce containing 1 Kg of fruit:

- sugar for precandying 1000 g
- temperature of precandying 50 °C
- time of precandying (about) 5 hours
- compound of Example 2 125 g
- sugar 50 g
- water 250 g

- temperature of activation of compound 75 °C
- time for preparing (about) 3 min

The sauce obtained has a very bright appearance with natural coloration.

Another fruit sauce to be used at negative centigrade temperatures and containing fruit, possibly pieces of fruit, may be prepared by performing a preliminary process of partial candying of the fruit, dry mixing a suitable quantity of compound of Example 3 with a suitable quantity of sugar, or fructose, adding water to the mixture and finally adding the partially candied fruit previously obtained.

Suggested doses for precandying fruit to be used in the preparation of the fruit sauce:

- fruit 480 g
- sugar for precandying 320 g
- temperature of precandying 50 °C
- time of precandying (about) 5 hours

Suggested doses for preparing the sauce using the precandied fruit:

- compound of Example 3 60 g
- sugar 50 g
- water 100 g
- precandied fruit 800 g
- time for preparing (about) 3 min

The sauce obtained has a very bright appearance with natural coloration.

A sauce to be used at negative centigrade temperatures and obtained using fruit mix, puree, or fruit juice, may be prepared by dry-mixing the compound of Example 2 with a suitable quantity of sugar or fructose, adding the fruit mix, or puree, or fruit juice and heating at a temperature of 75 °C for a few minutes.

Suggested doses for preparing a sauce containing 1 Kg of fruit mix, puree, or fruit juice:

- sugar 700 g
- compound of Example 2 125 g

- temperature of activation for a few minutes

75 °C

The sauce obtained has a very bright appearance with natural coloration.

Another sauce to be used at negative centigrade temperatures and obtained using fruit mix, puree, or fruit juice, may be prepared by dry-mixing the compound of Example 3 with a suitable quantity of sugar or fructose, adding water, the fruit mix, or puree, or fruit juice.

Suggested doses for preparing a sauce containing fruit mix, puree, or fruit juice:

- sugar 380 g
- compound of Example 3 70 g
- water 150 g
- fruit mix 400 g

The sauce obtained has a very bright appearance with natural coloration.

A further sauce to be used at negative centigrade temperatures and obtained using fruit mix, puree, or fruit juice, may be prepared by mixing the compound of Example 5 with a suitable quantity of fruit mix, or puree, or fruit juice.

Suggested doses for preparing a sauce containing fruit mix, puree, or fruit juice:

- compound of Example 5 700 g
- fruit mix 500 g

The sauce obtained has a very bright appearance with natural coloration.

A fruit-salad sauce obtained using pieces of fresh fruit may be prepared by dissolving the compound of Example 3 in water and adding the pieces of fruit.

Suggested doses:

- compound of Example 3 150 g
- water 500 g
- pieces of fruit 1000 g

Another fruit-salad sauce obtained by using pieces of fresh fruit may be prepared by dry mixing the compound of Example 3

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[illegible][illegible]

- [illegible]

[illegible][illegible]

- [illegible]

[illegible][illegible][illegible]

the prior art.

Moreover, with respect to conventional sauces, the compound according to the invention may be advantageously prepared without adding artificial flavours, which influence the taste of the preparation.

Finally, a further advantage lies in the fact that the compound according to the invention allows the user to prepare fruit sauces having greater or less consistency by simply increasing or decreasing, respectively, the amount of compound used.

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ART 31

CLAIMS

1. A compound for preparing a food product consisting of a sweetening agent and at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.
2. A compound for preparing a food product, comprising an antioxidant agent and at least one of the following agents: preservative agent; acidifying agent; stabilising and thickening agent.
3. A compound for preparing a food product, comprising a preservative agent and at least one of the following agents: antioxidant agent; acidifying agent; stabilising and thickening agent.
4. A compound for preparing a food product, comprising an antioxidant agent and a preservative agent and at least one of the following agents: acidifying agent; stabilising and thickening agent.
5. A compound according to any preceding claim and further comprising a sweetening agent.
6. A compound according to any preceding claim and further comprising water.
7. A compound according to any preceding claim, wherein said antioxidant agent is selected from a group comprising ascorbic acid, salts and derivatives thereof, gallates, butylated hydroxyanisole, butylated hydroxytoluene, tocopherols.
8. A compound according to any preceding claim, wherein said preservative agent is selected from a group comprising sorbic acid and its salts, propionic acid and its salts, benzoic acid

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and its salts, hydroxybenzoates.

9. A compound according to any preceding claim, wherein said acidifying agent is selected from a group comprising citric acid, tartaric acid, metatartaric acid, malic acid.

10. A compound according to any preceding claims, wherein said stabilising and thickening agent is selected from a group comprising starch, gelatines, alginic acid and its salts, guar gum and other gums, agar-agar, carrageenin, meal of carob seeds, pectins, cellulose and its derivatives, xantan gum.

11. A confection unit containing a compound for preparing a food product, said compound comprising a powder containing a sweetening agent and at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.

12. A confection unit containing a compound for preparing a food product, said compound comprising water and at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.

13. A confection unit according to claim 11, and further comprising a sweetening agent.

14. A confection unit according to any one of claims 11 to 13, wherein said antioxidant agent is selected from a group comprising ascorbic acid, salts and derivatives thereof, gallates, butylated hydroxyanisole, butylated hydroxytoluene, tocopherols.

15. A confection unit according to any one of claims 11 to 14, wherein said preservative agent is selected from a group comprising sorbic acid and its salts, propionic acid and its salts, benzoic acid and its salts, hydroxybenzoates.

16. A confection unit according to any one of claims 11 to 15, wherein said acidifying agent is selected from a group comprising citric acid, tartaric acid, metatartaric acid, malic acid.

17. A confection unit according to any one of claims 11 to 16, wherein said stabilising and thickening agent is selected from a group comprising starch, gelatines, alginic acid and its salts, guar gum and other gums, agar-agar, carrageenin, meal of carob seeds, pectins, cellulose and its derivatives, xantan gum.

18. A confection unit according to any one of claims 11 to 17 and further comprising water.

19. Use of a compound for preparing a food product comprising fruit salad, said compound comprising at least one of the following agents: antioxidant agent; preservative agent; acidifying agent; stabilising and thickening agent.

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NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

  X   which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56.

(also check the following items, if desired)

  X   and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and  
\_\_\_\_\_ In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.

### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d)   X   no such applications have been filed.

(e) \_\_\_\_\_ such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION AND ANY PRIORITY  
CLAIMS UNDER 35 U.S.C. § 119**

| COUNTRY | APPLICATION<br>NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIM<br>UNDER 35 USC 119 |
|---------|-----------------------|--------------------------------------|------------------------------------|
| IT      | MO98A000014           | 23. 01. 98                           | Yes                                |
| IT      | MO98A000117           | 27.05.98                             | Yes                                |
| IT      | MO98A000239           | 25.11.98                             | Yes                                |

(Declaration and Power of Attorney page 2 of 5)

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

|                |        |                |               |
|----------------|--------|----------------|---------------|
| E.J. Biskup    | 18,987 | E.T. Jones     | 40,037        |
| R.C. Collins   | 27,430 | J.F. Learman   | <u>17,069</u> |
| P.J. Ethington | 17,299 | J.K. McCulloch | <u>17,451</u> |
| J.C. Evans     | 20,124 | J.P. Moran     | <u>20,941</u> |
| R.L. Farris    | 25,122 | S.L. Permut    | <u>28,388</u> |
| W.H. Francis   | 25,335 | M.J. Schmidt   | <u>43,904</u> |
| F.J. Fodale    | 20,824 | W.J. Schramm   | <u>24,795</u> |
| W.H. Griffith  | 16,706 | R.L. Stearns   | <u>36,937</u> |
| A.M. Grove     | 39,697 | J.D. Stevens   | <u>35,691</u> |
| R.W. Hoffman   | 33,714 | W.J. Waugaman  | <u>20,304</u> |
| D.A. Burns     | 46,238 | C.R. White     | <u>20,494</u> |

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## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full name of sole or first inventor

1-10  
Luciano Rabboni  
(Given Name) (Middle Initial or Name) Family (or Last) Name

Inventor's signature Luciano Rabboni

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Full name of second joint inventor, if any

(Given Name) (Middle Initial or Name) Family (or Last) Name

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Full name of third joint inventor, if any

(Given Name) (Middle Initial or Name) Family (or Last) Name

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

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☐ Signature for fifth and subsequent joint inventors. Number of pages added ☐

☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added ☐

☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.  
Number of pages added ☐

\* \* \*

☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

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\* \* \*

☐ Authorization of attorney(s) to accept and follow instructions from representative.

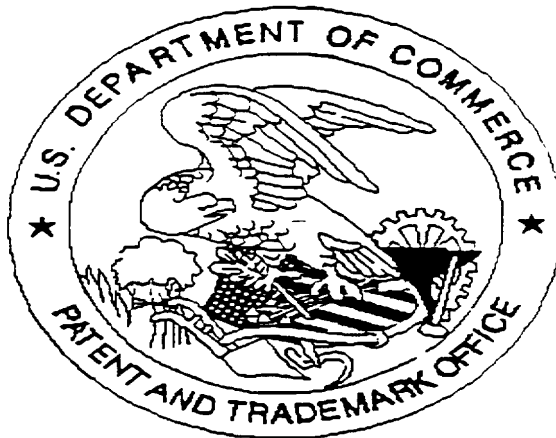
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